

1 || **SHAFFY MOEEL**

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8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 (HONORABLE JEFFREY T. MILLER)

11 UNITED STATES OF AMERICA,

) CASE NO. 07CR3347-JTM

12)

) DATE: May 5, 2008

13 Plaintiff,

) TIME: 9:00 a.m.

14 v.

) NOTICE OF MOTIONS *IN LIMINE* AND
)) MOTIONS *IN LIMINE*:

15)

-) 1) TO EXCLUDE ALL DEPORTATION
)) DOCUMENTS;
)) 2) TO PROHIBIT EVIDENCE UNDER FED.
)) R. EVID. 404(B) AND 609;
)) 3) TO EXCLUDE WITNESSES (A-FILE
)) CUSTODIAN);
)) 4) TO ALLOW ATTORNEY-CONDUCTED
)) VOIR DIRE;
)) 5) TO PROHIBIT WITNESSES FROM
)) REFERRING TO MR. NIETO-RESENDIZ
)) AS "THE ALIEN";
)) 6) P R O D U C E G R A N D J U R Y
)) TRANSCRIPTS;
)) 7) TO PRECLUDE EXPERT TESTIMONY;
)) AND
)) 8) ALLOW LEAVE TO FILE FURTHER
)) MOTIONS.

24 TO: KAREN P. HEWITT, UNITED STATES ATTORNEY; AND

25 DAVID LESHNER, ASSISTANT UNITED STATES ATTORNEY:

26 PLEASE TAKE NOTICE that on May 5, 2008 at 9:00 a.m., or as soon thereafter as counsel may

27 be heard, the defendant, Jose Ruben Nieto-Resendiz, by and through his attorneys, Shaffy Moeel and Federal

28 Defenders of San Diego, Inc., will ask this Court to enter an order granting the motions *in limine* listed below.

1 **MOTIONS IN LIMINE**

2 Jose Ruben Nieto-Resendiz, the defendant in this case, by and through his attorneys, Shaffy Moeel
3 and Federal Defenders of San Diego, Inc., pursuant to the United States Constitution, the Federal Rules of
4 Criminal Procedure, and all other applicable statutes, case law and local rules, hereby moves this Court for
5 an order to:

- 6 1. exclude deportation documents;
7 2. prohibit evidence under FED. R. EVID. 404(b) and 609 evidence;
8 3. exclude witnesses (A-file Custodian);
9 4. allow attorney-conducted *voir dire*;
10 5. prohibit witnesses from referring to Mr. Nieto-Resendiz as "the alien"
11 6. produce grand jury transcripts;
12 7. preclude expert testimony; and
13 8. to allow leave to file further motions.

14 These motions are based upon the instant motions and notice of motions *in limine*, the attached
15 statement of facts and memorandum of points and authorities, and any and all other materials that may be
16 adduced at the time of the hearing on these motions.

17 Respectfully submitted,

18 Dated: April 28, 2008

19 _____
20 /s/ Shaffy Moeel
21 **SHAFFY MOEEL**
22 Federal Defenders of San Diego, Inc.
23 Attorneys for Mr. Nieto-Resendiz